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**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<i>In re</i> Application of	)	<b>Att.: Box Missing Parts</b>
	)	
Mark Cartier, et al.,	)	Group Art Unit: 3618
	)	
Serial No. 10/053,495	)	Examiner: TBD
	)	
Filed: November 2, 2001	)	Docket No. 005127.00090
	)	
For: FOOTWEAR MIDSOLE WITH	)	
COMPRESSIBLE ELEMENT IN	)	
LATERAL HEEL AREA	)	

**SUBMISSION OF DECLARATION AND FEES**  
**AND PETITION RE: SUBMISSION OF ALLEGED OMITTED ITEMS**

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

**Executed Declaration Submission**

Pursuant to the Notice to File Missing Parts of Application dated March 22, 2002,  
Applicants hereby submit their executed Declaration in the above-identified Application.

**Fee Authorization**

The Commissioner is hereby authorized to charge deposit account 19-0733 for a total of \$1,090.00, which includes the basic filing fee of \$740.00, \$90.00 for 5 total claims over 20, the \$130.00 surcharge as set forth in 37 C.F.R. §1.16(e), and the \$130.00 petition fee as set forth in 37 C.F.R. §1.17(h). Should any additional fees be necessary, the Commissioner is authorized to charge the cost of the additional fees to deposit account 19-0733.

### Petition

The Notice to File Missing Parts indicated that page 15 of the specification and Figures 7A-7D appeared to have been omitted. Applicants submit that these items were in fact deposited with the U.S. Patent and Trademark Office with the nonprovisional application papers. On the day the application was mailed to the U.S.P.T.O., multiple copies of the application were made from the original application. The original application was enclosed in an envelope and sent via Express Mail, label number EL686335380US, to the U.S.P.T.O. Enclosed herewith is one of the copies of the application that was made from the original application, as filed by U.S. Express Mail on November 2, 2001, which includes page 15 and Figures 7A-7D, the pages allegedly omitted from the application.

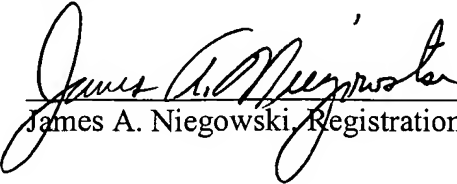
It should be noted that the timing of the filing was during the delays and problems with mail delivery to the U.S.P.T.O., and in fact the U.S. Express Mail receipt (a copy of which is also attached) shows a mailing date of November 2, 2001. However, the Filing Receipt was not issued by the U.S.P.T.O. until March 22, 2002. It appears that the problems of the U.S. Postal Service contributed to the long delay in the application reaching the U.S.P.T.O., and may have also contributed to possible examination of the contents of the envelope and a loss of pages.

Applicants therefore petition the Commissioner to accept the applicants' contention that page 15 and Figures 7A-7D were filed as part of the entire application on November 2, 2001, and that the filing date of this application remain November 2, 2001, with page 15 and Figures 7A-7D included.

The submission of these missing parts and petition is timely filed by virtue of their mailing by U.S. Express Mail on May 20, 2002. However, should any extension or fee be

required for the filing of these papers, such extension is requested and the Commissioner is hereby authorized to charge said fee to our Deposit Account No. 19-0733.

Respectfully submitted,

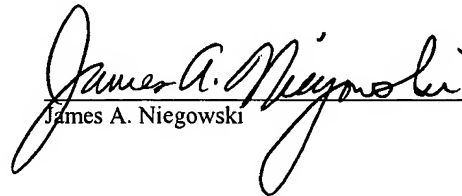
By:   
James A. Niegowski, Registration No. 28,331

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Telephone: 202-508-9100

Dated: May 20, 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for Express Mail service in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231 on May 20, 2002.

Dated: May 20, 2002

  
James A. Niegowski